IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 276 of 2005

Between:

Smt. Jogindar Kaur, S/o. Sardar Sardul Singh,
R/o. H.No. 2-4-133, Sikhwada, Karimnagar.

... PETITIONER

AND

1 The State of Andhra Pradesh, r/b District Collector, Karimnagar.
2 Municipal Council, Karimnagar, r/b Commissioner,
O/o. Municipality, Karimnagar.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a WRIT OF MANDAMUS declaring the action of the respondents in acquiring the land measuring 536 square yards in Sy.No. 915 situate within the limits of Karimnagar Municipality without due process of law and paying compensation as bad, illegal and arbitrary apart from the same being violative of Art,21 and 300-A of Constitution of India and to set aside the same or be pleased to pass such other order or orders

Counsel for the Petitioner: MR.C.RAMESH SAGAR

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: Mr. Polisetti Radhakrishna

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in acquiring the land admeasuring Ac.536 yards in Sy.No.915 situated within the limits of Karimnagar Municipality without due process of law and paying compensation, as arbitrary and illegal.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for the respondents and with their consent, the writ petition is being disposed of at the admission stage.

3. Petitioner claims to be the owner and possessor of land in Sy.No.915 admeasuring Ac.27 ½ guntas situated in Karimnagar Revenue village having purchased the same from one Mr. Sardar Raja Singh. It is the case of the petitioner that the inhabitants of locality of Block.No.26 have submitted a representation before the second respondent for providing approach road through the petitioner's land in Sy.No.915. It is stated that when the second respondent proposed to lay the road, petitioner raised objection with regard to the same. The second respondent in the Council Meeting held on 20-07-1997 under Agenda No.73 took up the matter and it was decided by the Council to acquire the said land by paying compensation at the rate of Rs.150/- per square yard, under the provisions of the Land Acquisition Act. It is alleged that thereafter, no acquisition proceedings have been initiated by the respondents. Contrary to the said resolution, the second respondent has given mark out and laid the foundation for construction RCC road.

4. On coming to know of the same, petitioner said to have submitted a representation before the first respondent on
06-01-2005 requesting to pay compensation for the affected area in the formation of the road, but the same is still pending on the file of the first respondent.

5. In view of the fact that the representation of the petitioner is said to be pending on the file of the first respondent, I deem it appropriate to dispose of the writ petition directing the first respondent, District Collector, Karimnagar, to dispose of the

representation said to have been filed by the petitioner, if any, in accordance with law.

The writ petition is accordingly disposed of at the admission stage.

_____

N.V. RAMANA, J

January19, 2005

MRR / TVK

Copy to:

1 The District Collector, Karimnagar, State of Andhra Pradesh.
2 Municipal Council, Karimnagar, r/b Commissioner,
O/o. Municipality, Karimnagar.

3 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

4 Two C.D. Copies.